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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/668,494	09/22/2000	Robert E. Jones		1981

41131 7590 09/30/2004

KENNETH EARL DARNELL  
2010 WEST SEVENTH STREET  
COFFEYVILLE, KS 67337

EXAMINER
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DIXON, THOMAS A

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 09/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/668,494

Applicant(s)

JONES, ROBERT E.

Examiner

Thomas A. Dixon

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2003.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 25-44 is/are pending in the application.  
4a) Of the above claim(s) 1-24 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 25-39 and 41-44 is/are rejected.  
7) ☒ Claim(s) 40 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 22 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims 1-24 have been cancelled. Applicant's arguments are moot in view of the cancellation of the claims. The rejections of the previous action are withdrawn.
2. Applicant's declaration that the invention is an improvement of the flight firming "Predator" product in response to the 37 CFR 1.105 requirement has been made of record.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 25-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 25, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d). Further, "said operations" of lines 10 and 11 lack antecedent basis.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

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4. Claims 25-37, 39, 41- 44 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by Henderson "Turning bookings into passengers" regarding "Predator".

As per Claim 25, 33.

Henderson discloses:

access to the database to acquire data for operations therewith, see page 1 lines 6-9 and 32-37;

returning the data to the database, to a predetermined location within the database to update the database, see page 1, line 24.

As per Claim 26, 37.

Henderson further discloses a queue, see line 24.

As per Claim 27, 36.

Henderson further discloses the system aimed at high load factor operations, see page 2, line 7.

As per Claim 28.

Henderson further discloses confirming of a reservation comprises the step of issuing a ticket, see page 1, lines 19-23.

As per Claim 29.

Henderson further discloses a robot and issuing a warning, see abstract and page 1, lines 19-21.

As per Claim 30, 34, 44.

Henderson further discloses checking for expired limiting standards and if the reservation is not confirmed, cancels the reservation, issues another warning or puts it in a queue, see abstract and page 1, lines 19-26.

As per Claim 31, 42.

Henderson further discloses the process remote from the database of reservations, see page 1, lines 34-37.

As per Claim 32.

Henderson further discloses the reservations are flight reservations and the process comprises flight firming, see page 1, lines 12-14.

As per Claim 35.

Henderson further discloses checking for fictitious names, see page 2, lines 24-26.

As per Claim 39.

Henderson further discloses checking for existing ticket numbers, see page 1, lines 19-21.

As per Claim 41.

Henderson further discloses checking for reservations without a ticket number for existing ticketing time limit rules, see page 1, lines 19-24.

As per Claim 44.

Henderson further discloses checking for reservations previously subjected to firming and further flight firming to determine whether the reservations have been confirmed, see page 1, lines 21-24.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 38 rejected under 35 U.S.C. 103(a) as being unpatentable over

Henderson, in view of PR Newswire "AAI Tools Identify Fictitious Bookings in Realtime" regarding Predator, Troll and Dupe Snooper.

As per Claim 38.

Henderson discloses flight firming, but does not disclose checking a reservation for duplicate flight segments.

Dupe Snooper teaches checking a reservation for duplicate flight segments for the benefit of getting rid of duplicate bookings.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use the duplicate flight segment identification of Dupe Snooper with the Predator program for the benefit of getting rid of duplicate bookings.

### ***Allowable Subject Matter***

6. Claim 40 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


As per claim 40.  
Henderson in view PR Newswire does not disclose:  
a system for firming flights checking a reservation for duplicate ticket numbers.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Dixon whose telephone number is (703) 305-4645. The examiner can normally be reached on Monday - Thursday 6:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



Thomas A. Dixon  
Examiner  
Art Unit 3629

September 04